

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA  
8

9 ROCKWELL AUTOMATION, INC.,  
10 Plaintiff,  
11 vs.  
12 BECKHOFF AUTOMATION LLC et al.,  
13 Defendants  
14

Case No.: 2:13-cv-1616-JAD-NJK

**Order Setting Briefing Schedule and  
Hearing on Plaintiff's Emergency  
Motion for Temporary Restraining  
Order Against Defendants Beckhoff  
Automation LLC and Beckhoff  
Automation GmbH (Doc.7)**

15  
16 Currently before the Court is Plaintiff Rockwell Automation, Inc.'s (Rockwell)  
17 Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction  
18 Against Defendants Beckhoff Automation LLC and Beckhoff Automation GmbH (Doc. 7).

19 Rockwell filed this patent infringement case on September 6, 2013. Doc. 1. In brief,  
20 Rockwell alleges that Defendants Beckhoff Automation LLC (Beckhoff Automation) and  
21 Beckhoff Automation GmbH (Beckhoff GmbH) (collectively, Defendants) have infringed  
22 upon five of Rockwell's patents by introducing a competing product into the marketplace.  
23 See Doc. 1. On the same day it filed its Complaint, Rockwell also moved for a Temporary  
24 Restraining Order, which seeks to enjoin Defendants from displaying their allegedly  
25 infringing product at a Las Vegas trade show on September 23-25, 2013. Doc. 7, p. 7.  
26 Rockwell requests that the Court set a briefing schedule for its Temporary Restraining Order,  
27 and then hear the Motion no later than September 20, 2013, so that it can be ruled upon  
28

1 before the start of the trade show on September 23, 2013. *See id.* at 33.

2 Later on September 6, 2013, Rockwell filed a Certificate of Service in which it stated  
3 that it had served a copy of its Emergency Motion for Temporary Restraining Order and  
4 Preliminary Injunction and all related filings and exhibits on Beckhoff Automation via hand-  
5 delivery. Doc. 19, p. 2. Rockwell also represents that Beckhoff GmbH agreed to accept  
6 delivery of the same on September 9, 2013. *Id.*

7 Federal Rule of Civil Procedure 65 states in part that a Court may grant a temporary  
8 restraining order without notice to the non-movant only if “specific facts . . . clearly show  
9 that immediate and irreparable injury, loss, or damage will result to the movant before the  
10 adverse party can be heard in opposition.” Rule 65(b)(1)(A). In this case, Rockwell itself  
11 requests that the Court establish a briefing schedule which would allow a hearing on the  
12 Motion no later than Friday, September 20, 2013. Doc. 7, p. 33. Because Defendants have  
13 now been served with a copy of Rockwell’s Complaint, Docs. 17, 18, and Rockwell seeks  
14 entry of injunctive relief on or before September 23, 2013, the Court finds that there is  
15 adequate opportunity for Defendants to respond to Rockwell’s Motion without the risk of  
16 immediate and irreparable injury. Accordingly, and for good cause shown, the Court orders  
17 an expedited briefing schedule and sets oral argument on the motion as follows:

18 It is **ORDERED** that Rockwell shall serve Plaintiff’s Emergency Motion for  
19 Temporary Restraining Order and Preliminary Injunction Against Defendants Beckhoff  
20 Automation LLC and Beckhoff Automation GmbH (Doc. 7, hereinafter, “Motion”) upon all  
21 Defendants no later than **Tuesday, September 10, 2013 at 5:00 p.m.** and file proof of  
22 service of the same no later than 5:00 p.m. on Friday, September 13, 2013;

23 It is **FURTHER ORDERED** that Defendants shall file any Opposition to Rockwell’s  
24 Motion into the record and serve the same upon Rockwell no later than **Friday, September**  
25 **13, 2013, at 5:00 p.m.;**

26 It is **FURTHER ORDERED** that Rockwell shall file any Reply to Defendants’  
27 Opposition into the record and serve the same upon all Defendants no later than **Monday,**  
28 **September 16, 2013, at 5:00 p.m.;**

1 It is **FURTHER ORDERED** that a hearing on Rockwell's request for a Temporary  
2 Restraining Order shall be conducted on **Thursday, September 19, 2013, at 1:30 p.m.**  
3 before the undersigned U.S. District Judge in Courtroom # 6D at 333 Las Vegas Boulevard  
4 South, Las Vegas, Nevada, 89101.

5 DATED: September 9, 2013.

6  
7   
8 JENNIFER A. DORSEY  
9 UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28